

Austin, Texas, June 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1117, "An Act requiring any person hunting any quail in Comanche County upon the private lands of another person in Comanche County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act; and repealing all laws in conflict with any provision of this Act, in so far as they relate to Comanche County, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, June 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1109, "An Act amending House Bill No. 884 of the Regular Session of the Forty-sixth Legislature relating to the taking of collared peccary or javelina or their hides, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, June 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1037, "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session, as amended by Chapter 340, Acts of the Forty-second Legislature,

Regular Session, as amended by Chapter 220, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 284, Acts of the Forty-fifth Legislature, Regular Session, as amended by Chapter 391, Acts of the Forty-fifth Legislature, Regular Session, by providing that in counties with a taxable valuation of not less than Fifty-one Million, One Hundred Thousand (\$51,100,000.00) Dollars, nor more than Fifty-one Million, Four Hundred Thousand (\$51,400,000.00) Dollars taxable valuation for county purposes and in all counties with a taxable valuation for county purposes of not less than Twenty-seven Million, Nine Hundred and Fifty Thousand (\$27,950,000.00) Dollars, nor more than Twenty-seven Million, Nine Hundred and Sixty Thousand (\$27,960,000.00) Dollars, according to the valuation as shown on the County Tax Assessor-Collector's rolls for the current year of 1938, the Commissioners Courts shall have the power to fix the maximum amount of fees the Justices of the Peace and Constables shall be allowed to retain out of the fees collected by such officers, the maximum amount to be retained shall not exceed the sum of Thirty-six Hundred (\$3,600.00) Dollars per annum; limiting amount of quarterly payment out of fees collected during quarter, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

## EIGHTIETH DAY

(Wednesday, June 7, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Boyd
Allen	Boyer
Allison	Bradbury
Alsup	Bradford
Anderson	Bray
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Baker of Grayson	Brown
Bell	of Nacogdoches
Blankenship	Bundy
Boethel	Burkett
Bond	Burney

Cauthorn	Little
Celaya	Lock
Chambers	Loggins
Clark	London
Cleveland	Mays
Cockrell	McAlister
Coleman	McDaniel
Colquitt	McDonald
Colson, Mrs.	McFarland
Cornett	McMurry
Corry	McNamara
Crossley	Mohrmann
Daniel	Monkhouse
Davis of Jasper	Montgomery
Davis of Upshur	Morris
Derden	Newell
Dickison	Nicholson
Dickson	Oliver
Donaghey	Pace
Dowell	Petsch
Dwyer	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Reader of Erath
Fielden	Reaves
Fuchs	Reed
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roach
Gordon, Mrs.	Roberts
Hale	Robinson
Hamilton	Russell
Hankamer	Schuenemann
Hardeman	Segrist
Hardin	Shell
Harp	Skiles
Harper	Smith of Frio
Harrell of Bastrop	Smith of Hopkins
Harrell of Lamar	Spencer
Harris	Stinson
Heflin	Stoll
Holland	Talbert
Howard	Tarwater
Howington	Taylor
Hull	Tennant
Hunt	Thornberry
Isaacks	Thornton
Johnson of Ellis	Turner
Johnson of Tarrant	Vint
Keith	Voigt
Kennedy	Waggoner
Kern	Weldon
Kerr	Wells
Kersey	Westbrook
Kinard	White
King	Wilson
Langdon	Winfree
Lehman	Wood
Leonard	Worley
Leyendecker	Wright

## Absent—Excused

Dean	Ragsdale
Hartzog	Reader of Bexar

Smith	Vale
of Matagorda	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we are weak at our strongest, and we are apt to err in our asking; but if it be Thy will may a spirit of peace come upon the nations of the earth and their leaders, that their people and ourselves may turn to the arts of peace and the pursuit of happiness. Forgive wherein we have erred, and guide us in wisdom today. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Ragsdale for today, on motion of Mr. Lock.

Mr. Vale for today, on motion of Mr. Thornton.

Mr. Smith of Matagorda for today, on motion of Mr. Faulkner.

Mr. Reader of Bexar for today, on motion of Mr. Reader of Erath.

Mr. Hartzog for today, on motion of Mr. Bell.

The following Member was granted leave of absence on account of illness:

Mr. Dean for today, and the balance of the week, on motion of Mr. Reed.

## MOTIONS TO INTRODUCE CERTAIN BILLS

Mr. Harrell of Bastrop moved to introduce the following bill:

By Mr. Harrell of Bastrop, Mr. Hale, Mr. Newell, Mr. Broadfoot, Mr. Allison, Mr. Allen, Mr. Stoll, Mr. Tennant, Mr. Hartzog, Mr. Celaya, Mr. Langdon, Mr. Hardin, Mr. Bundy, Mr. Galbreath, Mr. Cornett, Mr. Thornton, Mr. Hankamer, Mr. Ragsdale, Mr. Cockrell, Mr. Hamilton, Mr. Bailey, Mr. Weldon, Mr. Chambers, Mr. Davis of Upshur, Mr. Howington, Mr. Roach, Mr. Reaves, Mr. Kern, Mr. Smith of Hopkins, Mr. Bradbury, Mr. Loggins, Mr. Pevehouse, Mr. Burney, Mr. Kersey, Mr. Holland, Mr. Taylor, Mr. Worley, Mr. Dowell, Mr. Piner, Mr. Riviere, Mr. Segrist, Mr. Skiles, Mr. Clark, Mr. Leyendecker, Mr. Brown of Nacogdoches and Mr. Robinson:

H. B. No. \_\_\_\_\_, A bill to be entitled "An Act making it a felony punishable by confinement in the penitentiary for

any person directly, or as agent or employee for another, or through an agent or agents, engaged in the business of lending money or credit, or purchasing salaries, to knowingly collect interest, as that term is defined by law, in excess of ten per cent per annum; providing that any place where such business is conducted and such interest in excess of ten per cent per annum is knowingly collected shall be a common nuisance and that any person who knowingly maintains or assists in maintaining such place is guilty of maintaining a nuisance; providing for the issuance of an injunction to abate such nuisance; providing that it is the intention of the Legislature to enact each Section separately irrespective of the validity of any other Section; repealing all laws in conflict herewith, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—65

Allen	King
Allison	Langdon
Baker of Grayson	Lehman
Bell	Leyendecker
Bradbury	Lock
Bray	Newell
Broadfoot	Oliver
Brown	Pevehouse
of Nacogdoches	Reader of Erath
Bundy	Reed
Burkett	Rhodes
Burney	Riviere
Chambers	Roach
Clark	Roberts
Cockrell	Robinson
Colson, Mrs.	Russell
Cornett	Segrist
Daniel	Skiles
Davis of Jasper	Smith of Frio
Davis of Upshur	Spencer
Derden	Stoll
Dowell	Talbert
Ferguson	Tarwater
Fuchs	Tennant
Galbreath	Thornberry
Hale	Thornton
Hamilton	Vint
Harrell of Bastrop	Voigt
Holland	Weldon
Howington	Wells
Hull	Westbrook
Kennedy	Wilson
Kern	Worley

## Nays—48

Alsop	Baker
Bailey	of Fort Bend

Blankenship	Isaacks
Boethel	Johnson of Ellis
Boyd	Kerr
Bradford	Kersey
Bridgers	Little
Brown of Cherokee	Mays
Cauthorn	McAlister
Celaya	McDaniel
Cleveland	McDonald
Colquitt	McMurry
Corry	McNamara
Crossley	Mohrmann
Dickison	Monkhouse
Dickson	Montgomery
Donaghey	Petsch
Dwyer	Reaves
Gilmer	Smith of Hopkins
Hankamer	Taylor
Hardeman	Turner
Hardin	White
Harper	Wood
Heflin	Wright
Hunt	

## Absent

Anderson	Kinard
Bond	Leonard
Boyer	Loggins
Coleman	London
Faulkner	McFarland
Felty	Morris
Fielden	Nicholson
Goodman	Pace
Gordon, Mrs.	Piner
Harp	Pope
Harrell of Lamar	Schuenemann
Harris	Shell
Howard	Stinson
Johnson of Tarrant	Waggoner
Keith	Winfree

## Absent—Excused

Dean	Smith
Hartzog	of Matagorda
Ragsdale	Vale
Reader of Bexar	

Mr. Kern moved to introduce the following bill:

By Mr. Kern and Mr. Morris:

H. B. No. \_\_\_\_\_, A bill to be entitled "An Act to raise revenue for the Old Age Assistance Fund, Available School Fund, Destitute Children and Needy Blind, Teachers' Retirement Fund, and the General Revenue Fund; amending Section 2, subdivision 1, of Article 7057a of the Revised Civil Statutes of Texas, 1925, same being Section 2, subdivision 1, Chapter 162, Acts of the Forty-third Legislature, 1933, as amended by the Acts of the First Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 4; amending Section

3, Chapter 73, Acts of the Regular Session of the Forty-second Legislature, as amended by the Acts of the Third Called Session of the Forty-fourth Legislature, Chapter 495, Article 4, Section 8; amending Section 8, Chapter 73, Acts of the Regular Session of the Forty-second Legislature; amending Section 45, Article 7047, Revised Civil Statutes of Texas, 1925, same being Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Chapter 495, Article 4, Section 7; amending Section 40A, Article 7047, Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-second Legislature, 1931, page 355, Chapter 212, Section 1, as amended by Acts of 1936, Forty-fourth Legislature, Third Called Session, page 2040, Chapter 495, Article 4, Section 6; amending Article 111, Section 6, Acts of the Third Called Session of the Forty-fourth Legislature; amending Article 7070, Revised Civil Statutes of Texas, 1925, as amended Acts of the Third Called Session of the Forty-fourth Legislature, 1936, Article 4, Section 1, House Bill No. 8, amending Article 7060, Revised Civil Statutes of Texas, 1925, as amended by Chapter 34, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Article IV, Section 3, Chapter 495, Acts of the Third Called Session of the Forty-fourth Legislature; providing that the State shall have a prior lien for all taxes, penalties and interest levied herein; expressly preserving all taxes, penalties, and interest accruing by virtue of any reenacted or repealed provisions of this Act and declaring them to be legal and valid obligations to the State; allocating certain funds to Old Age Assistance Fund, General Revenue, Available School Fund, Destitute Children's and Needy Blind Fund, and Teacher's Retirement Fund; declaring the Act to be severable; repealing all laws in conflict, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—87

Allison	Bond
Bailey	Boyd
Baker	Bradbury
of Fort Bend	Bridgers
Baker of Grayson	Brown of Cherokee
Bell	Brown
Blankenship	of Nacogdoches

Burney  
Cauthorn  
Cleveland  
Colson, Mrs.  
Cornett  
Crossley  
Daniel  
Davis of Jasper  
Davis of Upshur  
Derden  
Dickison  
Dowell  
Faulkner  
Ferguson  
Fielden  
Fuchs  
Galbreath  
Gordon, Mrs.  
Hale  
Hamilton  
Hardeman  
Harrell of Bastrop  
Harrell of Lamar  
Harris  
Heflin  
Holland  
Howington  
Hunt  
Johnson of Ellis  
Kennedy  
Kern  
Kerr  
King  
Langdon  
Lehman  
Leyendecker  
Lock  
London

Mays  
McDaniel  
McDonald  
Mohrmann  
Montgomery  
Morris  
Newell  
Pevehouse  
Piner  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere  
Roach  
Robinson  
Russell  
Segrist  
Skiles  
Smith of Frio  
Spencer  
Stinson  
Talbert  
Tarwater  
Tennant  
Thornberry  
Turner  
Vint  
Weldon  
Wells  
Westbrook  
White  
Wilson  
Winfree  
Wood  
Worley  
Wright

## Nays—37

Allen	Hull
Alsup	Johnson of Tarrant
Boethel	Kinard
Boyer	McAlister
Bradford	McMurry
Bray	McNamara
Broadfoot	Nicholson
Burkett	Pace
Celaya	Petsch
Chambers	Pope
Clark	Roberts
Corry	Schuenemann
Dickson	Shell
Donaghey	Smith of Hopkins
Felty	Stoll
Gilmer	Taylor
Goodman	Thornton
Hankamer	Voigt
Hardin	

## Absent

Anderson	Colquitt
Bundy	Dwyer
Cockrell	Harp
Coleman	Harper

Howard  
Isaacks  
Keith  
Kersey  
Leonard  
Little

Loggins  
McFarland  
Monkhouse  
Oliver  
Waggoner

Absent—Excused

Dean  
Hartzog  
Ragsdale  
Reader of Bexar

Smith  
of Matagorda  
Vale

#### HOUSE BILLS ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Bridgers, Mr. Isaacks and Mr. Hankamer:

H. B. No. 1130, A bill to be entitled "An Act to amend Section 1 of House Bill No. 196, passed by the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Alsup asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1129.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Alsup and Mr. Brown of Cherokee:

H. B. No. 1129, A bill to be entitled "An Act suspending operation of part of Section 8, Article 2, Chapter 495, page 2040, Acts, 1936, Forty-fourth Legislature, Third Called Session, for rest of biennium ending August 31, 1939; suspending operation of part of Section 6, Chapter 472, page 1854, Acts, 1935, Forty-fourth Legislature, Second Called Session, for rest of biennium ending August 31, 1939; making certain appropriations out of monies in the Texas Old Age Assistance Fund for use of the Texas Old Age Assistance Commission in paying administrative expenses for the remainder of the biennium ending August 31, 1939; repealing laws in conflict herewith; declaring the intention of the Legislature; and declaring an emergency."

Referred to the Committee on Appropriations.

#### RELATIVE TO ENFORCEMENT OF THE HIGHWAY LAWS OF THE STATE

Mr. King offered the following resolution:

H. C. R. No. 186, Relative to enforcement of the highway laws of the State.

Whereas, The House of Representatives, by its action, has evidenced its intent to have all of the laws pertaining to motor vehicles and public highways rigidly enforced, to protect such highways and promote public safety; and

Whereas, The law prohibiting the registration of vehicles with four wheels, or less, whose gross weight, including load, exceed 22,000 pounds, and the law fixing the maximum rates of speed of motor busses and commercial motor vehicles or both, along with the present truck load limit law, is designed to protect the highways of this State and promote public safety; and

Whereas, The registration license certificates filed in the Highway Department show conclusively that certain motor busses are operating over the highways of this State with gross weights greatly in excess of 22,000 pounds; and

Whereas, The laws of this State provide for penalties and fines for the failure of operators of motor vehicles to lawfully register their motor vehicles and provide fines for the operation of motor vehicles upon the highways of the State without registration of the same according to law, and imprisonment and fines for the operation of motor vehicles at a rate of speed in excess of that allowed by law; now, therefore, be it

Resolved by the Legislature of the State of Texas, That it is the intention and desire of the Legislature that all laws of this State pertaining to the registration of motor vehicles and the operation of motor vehicles on the public highways be enforced with equal strictness and rigidity; and that the public administrative officers of this State charged with the enforcement of such laws are hereby directed to enforce all of such laws, especially as to registration, gross load, and speed; and, be it further

Resolved, That the Chief Clerk of the House send a copy of this resolution to the Governor of Texas, who is required to see that all laws are

faithfully executed; to the Attorney General of Texas; and to the State Highway Department, the Department of Public Safety, and the Railroad Commission of Texas, all being administrative departments charged with the enforcement of laws relating to public highways; and be it further

Resolved, That the heretofore mentioned officers and agencies are hereby directed to furnish all evidence within the custody of each to assist all others in enforcing all of said laws, and to furnish mutual cooperation to each other to the end that the dignity and equality of the laws of the State of Texas shall be maintained.

The resolution was read second time.

Mr. Davis of Upshur moved to table the resolution.

The motion to table was lost.

Question recurring on the resolution by Mr. King, it was adopted.

#### RELATIVE TO PURCHASE OF FOREIGN PRODUCTS

Mr. Fuchs offered the following resolution:

H. C. R. No. 155, Relative to purchase of foreign products.

Whereas, The exports of meat and meat products by the United States has shown a decline of approximately one and one-quarter billion pounds from the 1925-29 average; and

Whereas, The principal importing countries show a decrease of imports of meats approximately two billion pounds below the 1925-29 average; and

Whereas, The increase imports of meat and meat products by the United States show an increase of 100,000,000 pounds more than the 1925-29 average; and

Whereas, Texas is one of the leading producers of both beef cattle and mutton; and

Whereas, It is noted that the Federal Government has recently placed an order with a foreign country for canned meat to be used by the Army and Navy; and

Whereas, The importation of canned meat alone into the United States has increased from 50,000,000 pounds in 1928 to 134,000,000 pounds in 1937; and

Whereas, It appears that the policy of the Federal Government has been

to bring about a decrease in the production of livestock, such as cattle, sheep, goats and hogs as evidenced by the slaughter program of livestock in 1934; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the matter of importing canned meat by the Federal Government is a ruinous economic policy affecting the livestock industry of both Texas and of the United States, since there is an abundance of meats of the finest quality in the United States to supply the needs of the Army and Navy; and, be it further

Resolved, That the House of Representatives and the Senate of Texas protest the purchase of foreign produced meat and that instead of going beyond the borders of our own country to make such purchases, that encouragement be given to the livestock industry of the United States to the end that imports of meats may gradually decline; and, be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Vice-President, the Secretary of Agriculture, and the Members of the Texas Delegation at Washington.

FUCHS,  
RAGSDALE,  
DAVIS of Jasper,  
TURNER,  
RHODES,  
WINFREE,  
VINT,  
MONKHOUSE,  
CLEVELAND,  
HAMILTON,  
CLARK,  
DERDEN,  
TARWATER.

The resolution was read second time.

Mr. Bradbury (by unanimous consent) offered the following amendment to the resolution:

Amend House Concurrent Resolution No. 155, by adding another Section to read as follows:

"The terms of this resolution shall also apply to the United States Congressional Restaurant."

The amendment was adopted.

Mr. Daniel moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—55

Baker of Grayson	Langdon
Boethel	Lock
Boyd	McAlister
Bradbury	McFarland
Bradford	McMurry
Bray	Mohrmann
Bridgers	Nicholson
Brown of Cherokee	Pevehouse
Brown of Nacogdoches	Reader of Erath
Burney	Reaves
Celaya	Reed
Clark	Roach
Cleveland	Robinson
Cornett	Russell
Daniel	Skiles
Davis of Upshur	Smith of Frio
Dickison	Spencer
Dickson	Stinson
Dowell	Talbert
Dwyer	Tennant
Ferguson	Thornberry
Gordon, Mrs.	Waggoner
Hunt	Weldon
Isaacks	Wells
Keith	Wilson
Kennedy	Wood
King	Worley
	Wright

## Nays—63

Allen	Harrell of Lamar
Alsup	Harris
Anderson	Heflin
Bailey	Howington
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Blankenship	Kern
Boyer	Kerr
Broadfoot	Kinard
Bundy	Lehman
Burkett	Leyendecker
Cauthorn	Mays
Chambers	McDaniel
Cockrell	McDonald
Coleman	McNamara
Corry	Monkhouse
Crossley	Montgomery
Davis of Jasper	Newell
Faulkner	Pace
Fielden	Petsch
Fuchs	Piner
Galbreath	Rhodes
Gilmer	Riviere
Goodman	Roberts
Hale	Segrist
Hankamer	Stoll
Hardin	Taylor
Harp	Thornton
Harper	Turner
Harrell of Bastrop	Vint

Voigt  
Westbrook

White  
Winfree

## Absent

Allison	Kersey
Bell	Leonard
Bond	Little
Colquitt	Loggins
Colson, Mrs.	London
Derden	Morris
Donaghey	Oliver
Felty	Pope
Hamilton	Schuenemann
Hardeman	Shell
Holland	Smith of Hopkins
Howard	Tarwater
Hull	

## Absent—Excused

Dean	Smith
Hartzog	of Matagorda
Ragsdale	Vale
Reader of Bexar	

Mr. Daniel raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Kinard moved that the time allotted for the consideration of resolutions be extended until the above resolution is disposed of.

The motion was lost by the following vote:

## Yeas—61

Allen	Hamilton
Allison	Hankamer
Baker	Hardin
of Fort Bend	Harp
Blankenship	Harper
Boyer	Harrell of Bastrop
Broadfoot	Harrell of Lamar
Brown	Hunt
of Nacogdoches	Johnson of Tarrant
Bundy	Kerr
Burkett	Kinard
Cauthorn	King
Chambers	Lehman
Cockrell	Leyendecker
Corry	Lock
Crossley	London
Davis of Jasper	Mays
Dickison	McMurry
Faulkner	Monkhouse
Fielden	Montgomery
Fuchs	Newell
Galbreath	Oliver
Goodman	Pace
Hale	Piner

Reed  
Rhodes  
Roberts  
Russell  
Segrist  
Stoll  
Taylor  
Thornton

Turner  
Vint  
Voigt  
Westbrook  
White  
Winfree  
Wood

## Nays—62

Alsup	Johnson of Ellis
Bailey	Keith
Baker of Grayson	Kennedy
Bell	Kern
Boethel	McAlister
Boyd	McDaniel
Bradbury	McDonald
Bradford	McFarland
Bray	McNamara
Bridgers	Mohrmann
Brown of Cherokee	Nicholson
Burney	Petsch
Celaya	Reader of Erath
Clark	Reaves
Cleveland	Riviere
Colson, Mrs.	Roach
Cornett	Robinson
Daniel	Schuenemann
Davis of Upshur	Skiles
Dickson	Smith of Frio
Donaghey	Spencer
Dowell	Stinson
Dwyer	Talbert
Ferguson	Tarwater
Gilmer	Thornberry
Gordon, Mrs.	Waggoner
Hardeman	Weldon
Harris	Wells
Heflin	Wilson
Howington	Worley
Isaacks	Wright

## Absent

Anderson	Langdon
Bond	Leonard
Coleman	Little
Colquitt	Loggins
Derden	Morris
Felty	Pevehouse
Holland	Pope
Howard	Shell
Hull	Smith of Hopkins
Kersey	Tennant

## Absent—Excused

Dean	Smith
Hartzog	of Matagorda
Ragsdale	Vale
Reader of Bexar	

Question—Shall the resolution be adopted?

(Mr. Lehman in the Chair.)  
(Speaker in the Chair.)

RELATIVE TO SENATE BILL  
NO. 200

By unanimous consent of the House, the following Members of the House were authorized to have their votes recorded as "yea" on the adoption of the Conference Committee Report on Senate Bill No. 200: Messrs. Bond, Boethel, Langdon, and Mrs. Colson.

(Mr. Blankenship in the Chair.)  
(Speaker in the Chair.)

SENATE BILL NO. 481 ON SECOND  
READING

Mr. Davis of Upshur moved that all necessary House Rules, and the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 481 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—124

Allen	Davis of Jasper
Allison	Davis of Upshur
Alsup	Derden
Anderson	Dickison
Bailey	Donaghey
Baker	Dowell
of Fort Bend	Faulkner
Baker of Grayson	Felty
Blankenship	Ferguson
Boethel	Fielden
Bond	Fuchs
Boyer	Goodman
Bradford	Gordon, Mrs.
Bray	Hale
Bridgers	Hamilton
Brown of Cherokee	Hankamer
Brown	Hardin
of Nacogdoches	Harp
Bundy	Harper
Burkett	Harrell of Bastrop
Burney	Harrell of Lamar
Cauthorn	Harris
Celaya	Heflin
Chambers	Holland
Clark	Howard
Cleveland	Howington
Coleman	Hull
Colquitt	Isaacks
Colson, Mrs.	Johnson of Ellis
Corry	Keith
Crossley	Kennedy
Daniel	Kern



Kerr	Reed
Kersey	Rhodes
Kinard	Riviere
King	Roach
Langdon	Roberts
Lehman	Robinson
Leonard	Russell
Leyendecker	Schuenemann
Little	Segrist
Lock	Skiles
Loggins	Smith of Hopkins
London	Spencer
Mays	Stinson
McAlister	Stoll
McDaniel	Talbert
McDonald	Tarwater
McFarland	Taylor
McMurry	Thornton
McNamara	Turner
Mohrmann	Vint
Monkhouse	Voigt
Morris	Waggoner
Newell	Weldon
Nicholson	Wells
Oliver	Westbrook
Pace	White
Petsch	Wilson
Pevehouse	Winfree
Pope	Wood
Reader of Erath	Worley
Reaves	Wright

## Nays—7

Boyd	Smith of Frio
Cockrell	Tennant
Cornett	Thornberry
Galbreath	

## Absent

Bell	Hardeman
Bradbury	Hunt
Broadfoot	Johnson of Tarrant
Dickson	Montgomery
Dwyer	Piner
Gilmer	Shell

## Absent—Excused

Dean	Smith
Hartzog	of Matagorda
Ragsdale	Vale
Reader of Bexar	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 481, A bill to be entitled "An Act authorizing and directing the Board of Control and the Governor to execute an easement conveying to the County of Upshur right-of-way necessary for the construction of a county road across the lands of the Texas

State Colored Orphanage in Upshur County; etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

## SENATE BILL NO. 481 ON THIRD READING

The Speaker then laid Senate Bill No. 481 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—123

Allen	Hardin
Allison	Harp
Alsup	Harper
Anderson	Harrell of Lamar
Bailey	Harris
Baker	Heflin
of Fort Bend	Holland
Baker of Grayson	Howard
Bell	Howington
Blankenship	Hull
Boethel	Isaacks
Bond	Johnson of Ellis
Boyer	Johnson of Tarrant
Bradford	Keith
Bray	Kennedy
Bridgers	Kern
Broadfoot	Kerr
Brown of Cherokee	Kersey
Brown	Kinard
of Nacogdoches	King
Bundy	Langdon
Burkett	Lehman
Burney	Leonard
Cauthorn	Leyendecker
Celaya	Little
Chambers	Lock
Clark	Loggins
Cleveland	London
Coleman	Mays
Colquitt	McAlister
Colson, Mrs.	McDaniel
Corry	McDonald
Crossley	McFarland
Daniel	McMurry
Davis of Upshur	McNamara
Dickson	Mohrmann
Donaghey	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Nicholson
Goodman	Oliver
Gordon, Mrs.	Pace
Hale	Petsch
Hamilton	Pevehouse
Hankamer	Pope

Reader of Erath	Tarwater
Reaves	Taylor
Reed	Thornton
Rhodes	Turner
Riviere	Vint
Roach	Voigt
Roberts	Waggoner
Robinson	Weldon
Russell	Wells
Schuenemann	Westbrook
Segrist	White
Skiles	Wilson
Smith of Hopkins	Winfree
Spencer	Wood
Stinson	Worley
Stoll	Wright
Talbert	

## Nays—9

Boyd	Galbreath
Cockrell	Smith of Frio
Cornett	Tennant
Davis of Jasper	Thornberry
Faulkner	

## Absent

Bradbury	Hardeman
Derden	Harrell of Bastrop
Dickson	Hunt
Dowell	Piner
Dwyer	Shell
Gilmer	

## Absent—Excused

Dean	Smith
Hartzog	of Matagorda
Ragsdale	Vale
Reader of Bexar	

Mr. Davis of Upshur moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Leonard in the Chair.)

### CONCERT BY THE MEXIA HIGH SCHOOL BAND

In accordance with the provisions of House Simple Resolution No. 311, by Mr. Hardin, extending an invitation to Mexia High School Band, to render a concert in the Hall of the House today, the band having been announced at the Bar of the House, was admitted and escorted to seats on the Speaker's stand.

Mr. Leonard, who was in the Chair, presented Mr. Hardin, who introduced Mr. Dean Shank, Director of the band.

Mr. Shank then presented the band in several selections.

### PRESENTATION TO HON. AND MRS. W. T. McDONALD AND HON. AND MRS. HOUSTON McMURRY

Mr. Lock offered the following resolution:

H. S. R. No. 310, Presentation to Hon. and Mrs. W. T. McDonald and Hon. and Mrs. Houston McMurry.

Whereas, Two of the most distinguished and most eligible bachelor Members of the House of Representatives have within the past week forsaken their lives of fun and frivolity and entered the realm of matrimony, wherein the serious business of maintaining a home and family rears its head to drive from marital life all future hope of browsing in many pastures; and

Whereas, It is well known to all Members of the House of Representatives who have heretofore entered that marital state that henceforth and forevermore life will be for these two Members a matter of placing a protecting arm around the members of their families while with the other good right arm they wield a heavy cudgel to drive from the door the ever present and persistent wolf; but

Whereas, No fun and no happy times enjoyed by these two Members during their days of single blessedness can ever compare with the deep satisfaction that comes to those who follow the biblical injunction of taking unto themselves a wife; now, therefore, be it

Resolved by the House of Representatives, That we extend to the Honorable Houston McMurry and to the Honorable W. T. McDonald and their charming brides, the former Misses Clara Vaughn of Henrietta and Nonie Field of Calvert, our best and enduring wishes for long lives of happiness, prosperity and fruition; and, be it further

Resolved, That Honorable and Mrs. W. T. McDonald and Honorable and Mrs. Houston McMurry be invited to the Speaker's stand at this time in order that they may be presented to the House.

LOCK.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd,

Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Corbett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Darden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Loggins, London, Mays, McAlister, McDaniel, McFarland, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Faulkner, the names of all the Members of the House were added to the resolution, as signers thereof.

The resolution was unanimously adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee to escort Hon. and Mrs. W. T. McDonald and Hon. and Mrs. Houston McMurry to the bar of the House: Messrs. Roach, Johnson of Tarrant and Bridgers. The committee having performed their duty, the Chair presented Mr. Lock, who on behalf of the Members of the House, presented Hon. and Mrs. W. T. McDonald, and Hon. and Mrs. Houston McMurry, each, with a set of silver.

The Chair then presented Mrs. McDonald, who addressed the House expressing appreciation for the gift.

Mrs. McMurry was then introduced and addressed the House expressing appreciation for the gift.

(Speaker in the Chair.)

#### NOTICE GIVEN

Mr. Thornton gave notice that he would, on the next legislative day, move to take up for consideration, at that time, Senate Joint Resolution No. 12, which resolution was heretofore laid on the table subject to call.

#### BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. C. R. No. 146, Authorizing certain correction in House Bill No. 9.

H. B. No. 984, "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; enacting provisions incident to and relating to the subject, and declaring an emergency."

H. B. No. 9, "An Act providing the method of making application to purchase or lease unsurveyed school land, commonly known as vacancies; providing for notice to those whose rights may be affected, and a public hearing; providing a limitation upon the time in which such application must be acted upon and in which suit may be filed to establish the same; validating long established lines and corners and providing for presumption of their correctness in trials involving location of boundaries, and attempts to locate vacancies between surveys long considered to adjourn; placing the burden of proof upon the party asserting such vacancy; giving a preference right to purchase such vacancy to the person or persons claiming the same in good faith regardless of the proximity of such land to wells producing oil or gas at a price dependent on whether or not such vacancy is excess land, and providing that such purchase shall be subject to certain mineral reservations

as a free royalty to the State; fixing the time and conditions under which such preference right to purchase may be exercised; repealing all laws or parts of laws in conflict herewith; providing that if a part of this Act shall be held unconstitutional such holding shall not affect the remainder hereof, and declaring an emergency."

#### ADJOURNMENT

Mr. Blankenship moved that the House recess until 2:30 o'clock p. m., today.

Mr. Smith of Frio moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion to adjourn prevailed, and the House, accordingly, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, June 6, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 25, A bill to be entitled "An Act authorizing and directing the Board of Regents of the University of Texas to establish and maintain military training at said institution, and providing that said course of study may consist of various branches of the military service and authorizing the Board of Regents to enter into contracts with the War Department of the United States for the establishment of the Reserve Officers' Training Corp at the University of Texas under the National Defense Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, June 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 186, Directing the enforcement of all laws pertaining to

the registration of motor vehicles and the operation of motor vehicles on the public highways of this State.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, June 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 984, "An Act conferring additional powers on school districts having a relatively large percentage of delinquent taxes including power to borrow money and issue obligations secured by such taxes and to make supplementary pledges of taxes hereafter becoming delinquent to secure the release of funds pledged for such obligations; enacting provisions incident to and relating to the subject; providing that the provisions of this Act may be cumulative of all other laws, but that in the event of conflict, the provisions hereof shall prevail; providing a saving clause; providing the provisions of this Act shall affect only counties having a population of not less than thirty-nine thousand, four hundred and ninety-five (39,495), and not more than thirty-nine thousand, five hundred (39,500), according to the last Federal Census, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 146, Authorizing certain corrections in House Bill No. 9.

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

Austin, Texas, June 7, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 9, "An Act amending

Section 6 and Section 8 of House Bill No. 358, being Chapter 271 of the Acts of the Forty-second Legislature, Regular Session, page 452, (1931); defining 'Commissioner'; defining 'good faith clamant' or 'claimant'; defining 'vacancy'; defining 'applicant'; describing and providing for procedure, terms, and conditions upon which vacancies may be applied for, sold, and leased; providing for preference rights to purchase or lease by claimant and providing for preference rights or alternative royalty rights to applicants for vacancies; prescribing procedure to be followed by Commissioner in instances where vacancies are filed upon; providing for findings by the Commissioner; invalidating pending applications to purchase or lease vacancies under prior laws unless same are already granted, or are involved in pending litigation or unless certain steps are taken by applicants; providing for suits and venue thereof in cases where persons, firms, or corporations are aggrieved by any action of Commissioner; providing which lands are subject to lease under Section 8; providing that nothing in this Act shall be construed as abridging, modifying or removing the rights of the surface owner of land sold or to be sold by the State with a mineral reservation to act as the agent of the State in making leases, but said rights remain as now provided by law; providing for purchase of and payment for excess land and deed of acquittance by State; creating a School Land Board; defining its powers and prescribing its duties; providing regulations for the sale and lease of all lands set apart for the Permanent Free School Fund and several asylum funds, except those lands awarded to the State of Texas by decree of the Supreme Court of the United States on March 17, 1930, in Cause entitled: The State of Oklahoma vs. The State of Texas, The United States of America, Intervenor, the mineral estate in river beds and channels, and the mineral estate in all areas within tidewater limits, including islands, lakes, bays, and the bed of the sea; dedicating the mineral estate in river beds and channels, and in all areas within tidewater limits, including

islands, lakes, bays, and the bed of the sea, to the Permanent Free School Fund; abolishing the Board of Mineral Development, transferring to and vesting the functions in the School Land Board; providing for the transfer of officers and employees the balances of appropriations, and all books, papers, records, property and pending business of the Board of Mineral Development to the School Land Board; making an appropriation; providing that this Act shall not affect rights that have accrued under prior laws, nor rights involved in pending litigation; declaring that all laws in conflict herewith are repealed; providing if any part of this Act is held unconstitutional the balance hereof shall be upheld; providing for the filing of copies of leases in General Land Office; fixing the effective date of the Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HAMILTON, Chairman.

#### SENT TO THE GOVERNOR

June 7, 1939

House Concurrent Resolution No. 146.

House Concurrent Resolution No. 152.

House Concurrent Resolution No. 160.

House Bill No. 9.

House Bill No. 600.

House Bill No. 927.

House Bill No. 984.

House Bill No. 1018.

House Bill No. 1037.

House Bill No. 1109.

House Bill No. 1117.

House Bill No. 1119.

House Bill No. 1121.

House Bill No. 1123.

House Bill No. 1124.